

**CLAIMS:** Cancel all claims of record and substitute new Claims 40 through 49 as follows.

1.  
~~40.~~ A method for diagnosis of the condition of gastroesophageal reflux in a human, comprising:

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- (a) having said human gargle with a measured amount of a fully characterized sampling liquid, causing said sampling liquid to be in contact with the lower aspects of the pharynx of said human;
  - (b) retrieving said sampling liquid for analysis by having said human tilt the head down over a collection container, opening the mouth, and allowing said sampling liquid to exit the open mouth, via gravity, directly into the collection container; and
  - (c) measuring the pH of the retrieved sampling liquid in said collection container and comparing said pH with specified pH values, to determine the presence and extent of gastroesophageal reflux in said human.

2.  
~~41.~~ The method as defined in Claim ~~40~~<sup>1</sup>, wherein the step of gargling with said sampling liquid is for a period of at least 5 seconds.

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3.  
~~42.~~ The method as defined in Claim ~~40~~<sup>1</sup>, wherein said measuring of pH is performed by a technique selected from the group consisting of colorimetric indicator substance, pH meter and digital read device.

4.  
~~43.~~ The method as defined in Claim ~~40~~<sup>1</sup>, wherein said pH is correlated to the presence and extent of gastroesophageal reflux, with said pH being a function of the presence and extent of gastroesophageal reflux.

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~~44.~~ The method as defined in Claim ~~40~~<sup>1</sup>, wherein said sampling liquid comprises about 5 ml potable water of known pH.

6.  
~~45.~~ The method as defined in Claim ~~44~~<sup>5</sup>, wherein said water is selected from the group consisting of tap water, bottled water, distilled water or saline solution.

7.  
~~46.~~ The method as defined in Claim ~~40~~<sup>1</sup>, wherein said collection container is of a shape and size suitable to be held in the hand and to allow for collection of said sampling liquid as it falls from the mouth by gravity force, said collection container being held under the mouth with the head tilted forward.

8.  
~~47.~~ The method as defined in Claim ~~40~~<sup>1</sup>, wherein said retrieved sampling liquid has a volume of at least about 2ml.

9.  
~~48.~~ The method as defined in Claim ~~42~~<sup>3</sup>, wherein said pH is determined by combining with said retrieved sampling liquid an appropriate amount of a pH indicator selected from the group consisting of pH indicator solution, pH indicator powder and pH indicator paper.

10.  
~~49.~~ The method as defined in Claim ~~48~~<sup>9</sup>, wherein:  
(a) said pH indicator is bromothymol blue solution having a pH scale of about 6.0 to 7.6 pH units, with distinct color intervals of 0.2 pH units or less;  
(b) said bromothymol blue solution is added dropwise to said retrieved sampling liquid followed by periodic light agitation of said collection container to ensure mixing of said bromothymol blue solution with said retrieved sampling liquid; and  
(c) the resulting color of said retrieved sampling liquid is observed after a suitable period of time from addition of said bromothymol blue solution, through said collection container, to determine the pH of said retrieved sampling liquid by comparison of said color with a pH-color chart provided with said bromothymol blue solution.

#### REMARKS

1. Applicant previously forwarded by facsimile an unsigned draft of an amendment on September 27, 1999 for discussion with the Examiner. Applicant was not successful in making contact with the Examiner, however after further review and consideration the applicant made additional revisions and now submits this signed

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